

FOSTER C. CARL.

JUNE 21, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 9195.]

The Committee on Pensions, to whom was referred the bill (H. R. 9195) granting a pension to Foster C. Carl, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

[House Report No. 1073, Fifty-fifth Congress, second session.]

This bill as amended proposes to pension, at the rate of \$18 per month, Foster C. Carl, of Binghamton, N. Y.

This soldier enlisted in 1862 in Company I, First Regiment of New York Mounted Rifles, and served until the close of the war, when he was honorably discharged. He was only 17 years of age when he enlisted, and the consent of his parents was obtained by Capt. George H. Dean, who commanded the company and recruited it. He was a strong, healthy young man when he entered the service, and was a good soldier, always ready for duty, and never flinched. This is shown by the testimony of his captain. He was taken sick about April 8 or 9, 1865, at Summerton, N. C., and was carried in an ambulance to the hospital at Petersburg, Va. After a few days he returned to his regiment and went from there to Fredericksburg, Va., but was not able to do any duty. He was granted a sick leave for thirty-five days, and was taken down with malignant typhoid fever, and was confined to his bed until March, 1866. He was attended by physicians whose affidavits are on file.

This sickness resulted in a permanent disease of the head and air passages and throat and bronchial tubes. Matter was discharged from the ears, and the throat continually filled with phlegm. It resulted in a permanent disability in the nature of a catarrhal trouble, and a disease of the throat and general debility.

The soldier seems to have suffered from a malarial poisoning, and is in a general feverish condition. The hearing and eyesight of the soldier is now seriously affected, and he suffers constantly from the same trouble of a catarrhal nature and is emaciated and physically unable to do but little work.

At the time he was taken down with the sicknesses referred to he had been in the saddle with his command for fifteen consecutive days

and nights, being on the march nearly every night and engaged with the enemy nearly every day. Two special engagements were those at Jacksonville and Summerton, N. C.

There is no pretense that the soldier's disabilities are the result of vicious habits on his part, as he is shown to be a man of good character and correct life.

The soldier's claim for a pension has been refused on the ground that there is no pensionable disability as the result of army service. As all the disabilities from which the soldier suffers are shown to be of service origin, there is little excuse for this claim at the Pension Bureau. It is not pretended that he has incurred these disabilities since he left the service, and as he was strong and healthy when he entered the Army, and came out of it sick and broken down as the result of precisely the same diseases from which he now suffers, and as he had been under treatment therefor for some length of time before his discharge, it is difficult to understand how the medical referee could have arrived at the conclusion he did.

Dr. R. D. Eastman, of Berkshire, N. Y., Dr. George M. Hall, of Binghamton, N. Y., and Dr. Thomas B. Van Alstyne, of Binghamton, N. Y., physicians of long experience, testify to his physical disabilities and to his inability to perform manual labor. They have known the soldier for years and have treated him and given him frequent examinations. Two of these physicians have been members of a medical board of examiners for many years, and as they are men of the highest character and standing and have no interest in the claim whatever, it is the presumption that they state nothing but the truth. As the soldier contracted his diseases and disabilities in the service and as the result of hardships he there endured, it appears to your committee that a clear case is made for a reasonable pension. The soldier has exhausted his remedy at the Bureau and Congressional action is therefore warranted.

The soldier is in necessitous circumstances without fault on his part, as he gave his strength to his country when a mere boy, and has struggled for a livelihood under adverse circumstances from that time until the present.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 6 strike out the word "thirty" and insert in lieu thereof the word "eighteen."

NEW YORK, *March 29, 1893.*

DEAR SIR: The bearer, Foster C. Carl, I enlisted in year 1862, at his home in New York State. At the time he was not 21 years old, and consequently I was obliged to get the consent of his father to enlist him in legal form. At the time he was a strong, healthy young man, and, pursuant to enlistment, made a good soldier, always ready for duty and blessed with plenty of courage. Since the close of the rebellion I have seen him several times, and, to my best knowledge, he is physically unable to perform a day's manual labor.

Truly, yours,

HON. GEORGE W. RAY

Capt. GEO. H. DEAN.

N. B.—Capt. George H. Dean resigned 1863.

F. C. CARL.

BINGHAMTON, N. Y., *April 2, 1893.*

Thomas B. Van Alstyne, duly sworn, deposes and says that he is a practicing physician living and practicing in Binghamton, Broome County, N. Y.; has practiced medicine seventeen or eighteen years; knows Foster C. Carl and has acted as his family physician for past four years; from his own personal knowledge, acquired by

examining said Foster C. Carl, can state, as regards present physical condition of said Carl, that the man is not now capable of severe manual labor, and in opinion of deponent never will be again.

That said Carl is now just convalescing from an attack of acute bronchi-pneumonia, which has confined him to the house for past four weeks, and that his system is so weakened and the condition of his air passages so changed by reason of long-continued chronic catarrh of pharynx, larynx, and trachea and bronchial tubes, as well as the nasal passages, that his complete recovery is improbable, and in any event it will take months for him to recover even his ordinary health. The pharynx and larynx show parts where the mucous membrane is thickened very much, and in other parts where there have apparently been ulcers, leaving scars to show the loss of tissue.

That the catarrhal disease has affected his hearing to a considerable extent, and his voice is so hoarse from the chronic inflammation of the vocal cords as to be almost unintelligible at many times. He is incapacitated more than one-half from the performance of hard manual labor. That he has no interest in any claim for pension now pending in any manner whatever.

This affidavit was written without prompting by anyone or comparison with other affidavits, being a true statement of the physical condition of said Foster C. Carl at date of examination and of the making of this writing.

THOMAS B. VAN ALSTYNE, M. D.

Subscribed and sworn to before me this 2d day of April, 1898.

[SEAL.]

JAMES F. PETTIT, *Notary Public*.

STATE OF NEW YORK, *Tioga County, ss:*

On this 5th day of April, 1898, personally came before me, a notary public in and for the county of Tioga, State of New York, R. D. Eastman, a citizen of Berkshire, and whose post-office address is Berkshire, N. Y., well known to me to be responsible and entitled to credit, and who, being duly sworn, declares in relation to the said case as follows: That he is a practicing physician of twenty years' standing, and that he has known Foster C. Carl during this time; that he treated the said Carl from May 21, 1878, to October 3, 1878, and also at intervals since that time (the dates of such treatment he has no record of), for disease of the air passages; that during the summer of 1878 the said Carl was totally incapacitated from performing manual labor by reason of said disease. Because of the removal of said Carl from this vicinity he is unable to state the degree to which he has been incapacitated since that time.

Whenever under my observation since 1878 the said Carl has suffered from laryngitis, pharyngitis, and posterior nasal catarrh, and resulting cough and expectoration, and huskiness of voice, which at times is reduced to a whisper.

The above affidavit was written by him without the dictation of any other person and without the aid of any written or printed matter whatsoever, and that he has no interest, direct or indirect, in the prosecution of this claim.

R. D. EASTMAN.

Subscribed and sworn to before me this 5th day of April, 1898.

[SEAL.]

R. O. ELDRIDGE, *Notary Public*.

BINGHAMTON, N. Y., *April 4, 1898.*

This is to certify that I have examined Foster C. Carl, of Binghamton, N. Y., and that he is suffering from a chronic throat trouble. His throat is reddened and inflamed, and shows marked evidence of old inflammation, and, at times, to my knowledge, he is very hoarse and suffers greatly from difficulty from the same.

I have been acquainted with him for thirteen years, and during that time I do not consider that he has been able to do more than one-half of a day's work a day. I understand that this statement is to be presented to the Pension Department. I am in nowise interested in said claim, and this statement is without dictation.

GEO. NEWELL HALL, M. D.,

President United States Pension Board, County of Broome.

STATE OF NEW YORK, *county of Broome, ss:*

George N. Hall, being duly sworn, says that the above statement was made by him and that the same is true, as deponent verily believes.

GEO. NEWELL HALL.

Subscribed and sworn to before me this 4th day of April, 1898.

[SEAL.]

ARCHIBALD HOWARD, *Notary Public*.

This is to certify that I have known Foster Carl before and since the civil war. I went with him to a specialist on catarrh, in the year 1867, who gave him treatment for the same. I am confident that he contracted the disease in the service, because he was a healthy boy before he entered the war.

I further know that he has been unable to labor at intervals since.

A. J. KEACH.

Subscribed and sworn to before me this 2d day of April, 1898.

[SEAL.]

B. H. NELSON, *Notary Public.*

BINGHAMTON, N. Y., *March 16, 1898.*

DEAR SIR: Received your communication of the 14th notifying me that your Bureau had rejected my claim for pension on the ground of no disability under a pensionable degree, but do not feel discouraged at that, knowing that if I can present the facts to you as I know them to be there will be no trouble in passing a pension bill for my relief, and will proceed to give you facts, condensed as much as possible, for your memorandum in making up the bill.

Enlisted Carmel, Putnam County, 1862, under Capt. George H. Dean, in First New York Mounted Rifles. Not being old enough, obtained parents' consent. I was born September 16, 1845.

First serious sickness on the 8th or 9th of April, 1865, at Summerton, N. C. Taken in ambulance to hospital at Petersburg, Va. After four days returned to regiment camp, near smallpox hospital, Richmond, Va. From there went to Fredericksburg, Va., not able to do any duty. Granted sick leave for thirty-five days. Taken down with malignant typhoid fever in June, 1865. Confined to the house and bed until March, 1866. Attended by family physician, Dr. Nicholson, of Beakmanville. Also attended by Dr. Fowler, Fishkill, at same time, and Dr. Tallman, of Greenhaven, N. Y., whose affidavit is on file in Pension Department. Dr. Fowler died in 1880. After this sickness, discharged large amount of matter from ears, and throat continually filled with phlegm. Commenced treatment for catarrh in summer of 1866. Was treated by specialist, and can furnish affidavit to that effect, and have been treated ever since by numerous doctors—Dr. Gay, Dr. Johnson, Dr. Bishop, Dr. Morgan, Dr. Dayton, Dr. Merryfield, Dr. Kingsley, Dr. Hamilton, Dr. Agnew, Dr. Eastman, Dr. Orton, Dr. Van Alstyne—and am now being treated by Dr. R. Dimon, of Hastings, N. Y.

The above doctors' addresses and affidavits I can give you if necessary. Am now confined to the house with catarrh and lung trouble. I have not done a day's hard work since I left the Army, as anything but moderate exercise sets me in a flutter and causes feverish flashes and thumping in the head which completely upsets me for a time. The fact is that I have spent a fortune for treatment, and was too proud to ask Uncle Sam to do anything for me. I was always in the saddle and ready for duty while in the Army, as the company's record will show, but our last raid was enough to kill most anyone. I was in the saddle for fifteen days and nights, except when feeding, and for several days was soaked to the skin.

I was taken sick at Summerton, N. C., and got completely chilled through, so I could not even ride my horse, and let the captain have him, as the captain's horse had a sore back.

I feel that the Government has had my best days; that I lost my health in the performance of my duty. I have spent more money to recover my health than the Government ever paid me, and that in equity I am entitled to a favorable consideration as one who was young, strong, and robust and lost my health in the service of Uncle Sam after doing everything for the Government that any soldier could do.

If you will kindly notify me of any affidavits you may wish please let me know, and I will gladly furnish them if possible.

I inclose a letter sent me from Dr. Eastman, which explains itself.

I feel sure that there will be no trouble in obtaining my just dues, and if my presence is needed for examination at any time I will gladly present myself for same.

Thanking you in advance for anything you can do for me, besides seeing you well paid, I remain, yours, in F., C., and L. and F., A., and M.,

FOSTER C. CARL.

HON. GEORGE W. RAY, *Washington, D. C.*

BINGHAMTON, N. Y., *April 5, 1898.*

The cause of my sickness when I was given a thirty-five day sick leave on June 15, 1865, was from exposure and excessive fatigue, having been in the saddle for fifteen consecutive days, and nearly every night, and in two engagements (Jacksonville and

Summerton, N. C.). The day after the fight at Summerton I was taken very sick and was put in ambulance and sent to a hospital at Petersburg, where I remained for two or three days, when I was able to go to my regiment in camp, near a smallpox hospital, Richmond, Va. Went from there to Fredericksburg, Va. Was not able to do full duty any time after I was taken sick at Summerton.

I had a cold and coughed quite often, weak and feverish, and was running down so that my captain, Thomas Farigrieves, obtained a furlough for me. I got home at Green Haven, Dutchess County, N. Y., the 19th of June, 1865; was able to be around only a few days, when I came down with malignant typhus fever, and was unable to be out until April, 1866. The fever left me with a cough and a rattling in my ears. In fact, I had a gathering in one ear which broke and run. I took medicine for a cough and a tonic all summer; was examined in the winter of 1866 or 1867, and took treatment for catarrh, which treatment I continued until 1868, when I commenced taking treatment from Dr. S. W. Dayton, of Great Bend, Pa.; continued his treatment most of the time until 1873.

Then I went to Ithaca, N. Y., and was examined by Dr. Bishop, of the firm Bishop & Morgan, who said I had throat consumption, caused by catarrh. He gave me treatment, and said if that did not help me he knew of nothing that would. His treatment did me little or no good. I was then treated a short time by Dr. Johnson, of Speedsville, N. Y.; then by Dr. Gay, of Berkshire, N. Y., who, after finding he could do me no good, advised me to go to Dr. Kingsley, of Rome, N. Y. I went, was examined, and treated. Receiving no help, I then commenced treatment with Dr. Eastman, of Berkshire, N. Y., who, after a time, helped me. Shortly after commencing his treatment I grew worse and was taken to New York to be examined by Dr. Hamilton; was also examined by Dr. Agnew, of New York, both of whom sanctioned Dr. Eastman's treatment, after reducing the medicine I was taking, which they claimed was stronger than my constitution would bear.

Have taken Dr. Eastman's catarrh treatment most of the time up to the present. From 1866 to 1873 I was on a farm of my own, and could work most of the time at light work. Have never been able to do hard labor since the war. From the year 1873 to 1879 I was totally disabled from any work. From then until 1898 I was foreman on lumber yard, and was not required nor expected to work. I should have made an original application for pension on grounds of catarrh contracted in the service, but Mr. Crosby, the pension attorney, put my claim on grounds of malarial poisoning of the system from typhus fever. You will find affidavit of First Sergt. William Jenkins on file. My captain, Thomas Farigrieves, whose affidavit I tried to obtain at the time I applied for pension, I learned was dead.

Dr. Tallman's affidavit is on file. Dr. Dayton, Dr. Johnson, and Dr. Bishop are dead. Dr. Johnson's and Dr. Gay's affidavits are on file, as well as James B. Davidge's, Andrew Keach's, and John Keach's. I inclose you affidavits from Dr. Hall, who examined me for pension in August, 1897, also affidavit of Dr. Van Alstyne. I also have sent for an affidavit from Dr. Eastman and Senator Dr. Johnson, which I have not as yet received. Think they may have mailed them to you. If they send them to me I will forward them immediately. I also wrote to a Mrs. Allen, of New York City, through whose kindness I obtained an examination from Dr. Hamilton and Dr. Agnew, for a statement that she accompanied me at that time. Have not received an answer as yet, and do not know as she is living.

I also send you an affidavit from A. J. Keach, who was present when I was examined for catarrh in the winter of 1866 or 1867. In that last communication to you, substitute Dr. Van Alstyne in place of Dr. Dimon, as I only took a few treatments from him, which were previous to my present ailment.

FOSTER C. CARL. [SEAL.]

Subscribed and sworn to before me this 5th day of April, 1898.

[SEAL.]

JAMES F. PETTIT, *Notary Public.*

